

CHAPTER 1004

DOMESTIC ABUSE — INTIMATE RELATIONSHIPS

S.F. 2100

AN ACT relating to protection from domestic abuse and including protections for persons in an intimate relationship.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 236.2, subsection 2, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. The assault is between persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year of the assault. In determining whether persons are or have been in an intimate relationship, the court may consider the following nonexclusive list of factors:

- (1) The duration of the relationship.
- (2) The frequency of interaction.
- (3) Whether the relationship has been terminated.
- (4) The nature of the relationship, characterized by either party's expectation of sexual or romantic involvement.

A person may be involved in an intimate relationship with more than one person at a time.

Sec. 2. Section 236.2, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. "Intimate relationship" means a significant romantic involvement that need not include sexual involvement. An intimate relationship does not include casual social relationships or associations in a business or professional capacity.

Sec. 3. Section 236.3, Code Supplement 2001, is amended by adding the following new unnumbered paragraph after subsection 7:

NEW UNNUMBERED PARAGRAPH. A temporary or emergency order shall be based on a showing of a prima facie case of domestic abuse. If the factual basis for the alleged domestic abuse is contested, the court shall issue a protective order based upon a finding of domestic abuse by a preponderance of the evidence.

Sec. 4. Section 708.2A, subsection 1, Code 2001, is amended to read as follows:

1. For the purposes of this chapter, "domestic abuse assault" means an assault, as defined in section 708.1, which is domestic abuse as defined in section 236.2, subsection 2, paragraph "a", "b", "c", or "d".

Sec. 5. Section 708.2B, Code 2001, is amended to read as follows:

708.2B TREATMENT OF DOMESTIC ABUSE OFFENDERS.

As used in this section, "district department" means a judicial district department of correctional services, established pursuant to section 905.2. A person convicted of, or receiving a deferred judgment for, domestic abuse assault as defined in section 708.2A, shall report to the district department in order to participate in a batterers' treatment program for domestic abuse offenders. In addition, a person convicted of, or receiving a deferred judgment for, an assault, as defined in section 708.1, which is domestic abuse, as defined in section 236.2, subsection 2, paragraph "e", may be ordered by the court to participate in a batterers' treatment program. Participation in the batterers' treatment program shall not require a person to be placed on probation, but a person on probation may participate in the program. The district departments may contract for services in completing the duties relating to the batterers' treatment programs. The district departments shall assess the fees for participation in the program, and shall either collect or contract for the collection of the fees to recoup the costs

of treatment, but may waive the fee or collect a lesser amount upon a showing of cause. The fees shall be used by each of the district departments or contract service providers for the establishment, administration, coordination, and provision of direct services of the batterers' treatment programs.

District departments or contract service providers shall receive upon request peace officers' investigative reports regarding persons participating in programs under this section. The receipt of reports under this section shall not waive the confidentiality of the reports under section 22.7.

Approved February 22, 2002

CHAPTER 1005

BUSINESS GROWTH AND DEVELOPMENT INITIATIVES — SEED AND VENTURE CAPITAL INVESTMENTS — SMALL BUSINESS INCOME ALLOCATION

H.F. 2078

AN ACT relating to economic stimulus measures for businesses by creating an Iowa capital investment board, authorizing the organization of an Iowa capital investment corporation and an Iowa fund of funds, and authorizing the issuance of contingent tax credits to investors in the Iowa fund of funds; establishing a small business growth initiative by adjusting the allocation to Iowa of income earned by an S corporation for purposes of the state individual income tax; and including a retroactive applicability date provision.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 15E.221 FINDINGS — PURPOSE.

The general assembly finds the following: Fundamental changes have occurred in national and international financial markets and in the financial markets of this state. A critical shortage of seed and venture capital resources exists in the state, and such shortage is impairing the growth of commerce in the state. A need exists to increase the availability of venture equity capital for emerging, expanding, and restructuring enterprises in Iowa, including, without limitation, enterprises in the life sciences, advanced manufacturing, information technology, and value-added agriculture areas. Such investments will create jobs for Iowans and will help to diversify the state's economic base.

This division is enacted to fulfill the following purposes:

1. To mobilize private investment in a broad variety of venture capital partnerships in diversified industries and locales.
2. To retain the private-sector culture of focusing on rate of return in the investing process.
3. To secure the services of the best managers in the venture capital industry, regardless of location.
4. To facilitate the organization of the Iowa fund of funds in which to seek such private investment and to create interest in such investments by offering state incentives for private persons to make investments in the Iowa fund of funds.
5. To enhance the venture capital culture and infrastructure in the state of Iowa so as to increase venture capital investment within the state and to promote venture capital investing within Iowa.
6. To accomplish these purposes in such a manner as to minimize any appropriations by the state of Iowa.